



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2014 REGULAR SESSION

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HOUSE BILL NO. 154

AS ENACTED

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TUESDAY, APRIL 15, 2014

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RECEIVED AND FILED  
DATE April 25, 2014  
4:10 pm  
ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY L. Allen

1 AN ACT relating to schools.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 160.180 is amended to read as follows:

4 (1) As used in this section, "relative" means father, mother, brother, sister, husband,  
5 wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

6 (2) No person shall be eligible to membership on a board of education:

7 (a) Unless he has attained the age of twenty-four (24) years; and

8 (b) Unless he has been a citizen of Kentucky for at least three (3) years preceding  
9 his election and is a voter of the district for which he is elected; and

10 (c) Unless he has completed at least the twelfth grade or has been issued a GED  
11 certificate or has received a high school diploma through participation in the  
12 external diploma program and he is elected after July 13, 1990; and

13 (d) An affidavit signed under penalty of perjury certifying completion of the  
14 twelfth grade or the equivalent as determined by passage of the twelfth grade  
15 equivalency examination held under regulations adopted by the Kentucky  
16 Board of Education has been filed with the nominating petition required by  
17 KRS 118.315; or

18 (e) Who holds a state office requiring the constitutional oath or is a member of  
19 the General Assembly; or

20 (f) Who holds or discharges the duties of any civil or political office, deputyship,  
21 or agency under the city or county of his residence; or

22 (g) Who, at the time of his election, is directly or indirectly interested in the sale  
23 to the board of books, stationery, or any other property, materials, supplies,  
24 equipment, or services for which school funds are expended; or

25 (h) Who has been removed from membership on a board of education for cause;  
26 or

27 (i) Who has a relative as defined in subsection (1) of this section employed by the

1 school district and is elected after July 13, 1990. However, this shall not apply  
 2 to a board member holding office on July 13, 1990, whose relative was not  
 3 initially hired by the district during the tenure of the board member.

4 (3) If, after the election of any member of the board, he becomes interested in any  
 5 contract with or claims against the board, of the kind mentioned in paragraph (g) of  
 6 subsection (2) of this section, or if he moves his residence from the district for  
 7 which he was chosen, or if he attempts to influence the hiring of any school  
 8 employee, except the superintendent of schools or school board attorney, or if he  
 9 does anything that would render him ineligible for reelection, he shall be subject to  
 10 removal from office pursuant to KRS 415.050 and 415.060.

11 (4) A board member shall be eligible for reelection unless he becomes disqualified.

12 (5) The annual in-service training requirements for all school board members in office  
 13 as of December 31, 2014, shall be as follows:

- 14 (a) Twelve (12) hours for school board members with zero to three (3) years of  
 15 experience;
- 16 (b) Eight (8) hours for school board members with four (4) to seven (7) years of  
 17 experience; and
- 18 (c) Four (4) hours for school board members with eight (8) or more years of  
 19 experience.

20 The Kentucky Board of Education shall identify the criteria for fulfilling this  
 21 requirement.

22 (6) (a) For all board members who begin their initial service on or after January 1,  
 23 2015, the annual in-service training requirements shall be twelve (12) hours  
 24 for school board members with zero to eight (8) years of experience and  
 25 eight (8) hours for school board members with more than eight (8) years of  
 26 experience; and

27 (b) Training topics for school board members shall include:

1 1. Three (3) hours of finance, one (1) hour of ethics, and one (1) hour of  
 2 superintendent evaluation annually for members with zero to three (3)  
 3 years experience;

4 2. Two (2) hours of finance, one (1) hour of ethics, and one (1) hour of  
 5 superintendent evaluation annually for members with four (4) to  
 6 seven (7) years experience; and

7 3. One (1) hour of finance, one (1) hour of ethics, and one (1) hour of  
 8 superintendent evaluation biennially for members with eight (8) or  
 9 more years experience.

10 The Kentucky Board of Education shall identify criteria for fulfilling this  
 11 requirement.

12 ➔ Section 2. KRS 160.431 is amended to read as follows:

13 (1) The local district superintendent shall appoint a finance officer who shall be  
 14 responsible for the cash, investment, and financial management of the school  
 15 district.

16 (2) (a) A person initially employed as a school finance officer on or after July 1,  
 17 2015, shall obtain certification from the Department of Education prior to  
 18 holding the position and entering the duties of the position of school  
 19 finance officer.

20 (b) The Kentucky Board of Education shall promulgate administrative  
 21 regulations to prescribe the criteria and procedures to be used in the  
 22 certification process for a school finance officer.

23 (c) The administrative regulations promulgated under this subsection shall  
 24 specify:

25 1. The initial qualification requirements for school finance officer  
 26 certification;

27 2. The certification application and appeal process; and

1           3.   The certification renewal process.

2   (3)   The school finance officer shall be required to complete forty-two (42) hours of  
 3       continuing education every two (2) years from a provider approved by the  
 4       Department of Education. The Kentucky Board of Education shall promulgate  
 5       administrative regulations to identify and prescribe the criteria for fulfilling the  
 6       requirements of this subsection. The administrative regulations shall specify:

7       (a)   The topics of continuing education;

8       (b)   Qualifications for continuing education providers;

9       (c)   Consequences for failure to meet the continuing education requirement;

10       and

11       (d)   Requirements for reinstatement of school finance officer certification.

12   (4)   (a)   The finance officer shall present a detailed monthly financial report for  
 13       board approval to include the previous month's revenues and expenditures  
 14       of the district. The monthly report shall be posted on the district Web site for  
 15       a minimum of six (6) months after its approval.

16       (b)   Within six (6) months following the end of each fiscal year, the finance  
 17       officer shall submit to the Kentucky Department of Education a detailed  
 18       annual financial report to include the district's total assets, liabilities,  
 19       revenues, and expenditures. The annual report shall be posted on the  
 20       district Web site and department Web site for a minimum of two (2) years.

21       (c)   1.   The Department of Education shall review each district's annual  
 22       financial report and shall provide, within two (2) months of receipt,  
 23       the local board of education a written report indicating the financial  
 24       status of the district. The department's written report shall be posted  
 25       on the department Web site and the district Web site for a minimum of  
 26       two (2) years.

27       2.   The commissioner of education shall annually present to the Interim

Joint Committee on Education a copy of the department's written report for each district.

(d) Nothing in this subsection shall lessen the obligation of a school district to publish its financial statements in accordance with the provisions of KRS 424.220.

➔Section 3. KRS 156.111 is amended to read as follows:

(1) Prior to July 1, 1992, the Department of Education shall establish a Superintendents Training Program and Assessment Center. The assessment center shall be modeled after the American Association of School Administrators assessment process or a similar validated process. The department may provide assessment centers regionally and shall provide for assessor training. The center shall include, but not be limited to, training for superintendents in the following subjects:

- (a) Core concepts of management;
- (b) School-based decision making;
- (c) Kentucky school law;
- (d) Kentucky school finance; and
- (e) School curriculum and assessment.

(2) At the conclusion of the training, each participant shall complete a written comprehensive examination based on the content of the training.

(3) In addition to any applicable certification and experience requirements, to be qualified and eligible for continued employment as a school superintendent, effective July 1, 1994, the school superintendent shall have successfully completed the assessment center process. A person hired for the first time as superintendent in Kentucky after June 30, 1994, shall successfully complete the assessment center process within one (1) year of assuming his duties as superintendent.

(4) The Kentucky Board of Education shall adopt administrative regulations to govern the training content, number of hours, written examination, and criteria for

1 successful completion of the training and assessment center process. The board  
 2 shall also establish the continuing professional development requirements for  
 3 school superintendents to include, at a minimum, three (3) hours of annual  
 4 training in school finance and three (3) hours of annual training in ethics<sup>[, to be</sup>  
 5 <sup>effective July 1, 1994].</sup>

6 ➔ Section 4. KRS 161.020 is amended to read as follows:

- 7 (1) (a) No person shall be eligible to hold the position of superintendent, principal,  
 8 teacher, supervisor, director of pupil personnel, or other public school position  
 9 for which certificates may be issued, or receive salary for services rendered in  
 10 the position, unless he or she holds a certificate of legal qualifications for the  
 position, issued by the Education Professional Standards Board.

(b) No person shall be eligible to hold the position of school finance officer  
unless the person holds a certificate of legal qualification for the position,  
issued by the Kentucky Department of Education.

after  
July 1,  
2015,

- 11 (2) No person shall enter upon the duties of a position requiring certification  
 12 qualifications until his or her certificate has been filed or credentials registered with  
 13 the local district employer.  
 14  
 15 (3) The validity and terms for the renewal of any certificate shall be determined by the  
 16 laws and regulations in effect at the time the certificate was issued.

➔ Section 5. KRS 199.896 is amended to read as follows:

- (1) No person, association, or organization shall conduct, operate, maintain, or  
 advertise any child-care center without obtaining a license as provided in KRS  
 199.892 to 199.896.  
 (2) The secretary may promulgate administrative regulations pursuant to KRS Chapter  
 13A relating to license fees and may establish standards of care and service for a  
 child-care center, criteria for the denial of a license if criminal records indicate  
 convictions that may impact the safety and security of children in care, and

1 procedures for enforcement of penalties.

2 (3) Each initial application for a license shall be made to the cabinet and shall be  
3 accompanied by a fee of not more than fifty dollars (\$50) and shall be renewable  
4 annually upon expiration and reapplication when accompanied by a fee of twenty-  
5 five dollars (\$25). Regular licenses and renewals thereof shall expire one (1) year  
6 from their effective date.

7 (4) No child-care center shall be refused a license or have its license revoked for failure  
8 to meet standards set by the secretary until after the expiration of a period not to  
9 exceed six (6) months from the date of the first official notice that the standards  
10 have not been met. If, however, the cabinet has probable cause to believe that an  
11 immediate threat to the public health, safety, or welfare exists, the cabinet may take  
12 emergency action pursuant to KRS 13B.125. All administrative hearings conducted  
13 under authority of KRS 199.892 to 199.896 shall be conducted in accordance with  
14 KRS Chapter 13B.

15 (5) If, upon inspection or investigation, the inspector general finds that a child-care  
16 center licensed under this section has violated the administrative regulations,  
17 standards, or requirements of the cabinet, the inspector general shall issue a  
18 statement of deficiency to the center containing:

19 (a) A statement of fact;

20 (b) A statement of how an administrative regulation, standard, or requirement of  
21 the cabinet was violated; and

22 (c) The timeframe, negotiated with the child-care center, within which a violation  
23 is to be corrected, except that a violation that poses an immediate threat to the  
24 health, safety, or welfare of children in the center shall be corrected in no  
25 event later than five (5) working days from the date of the statement of  
26 deficiency.

27 (6) The Cabinet for Health and Family Services, in consultation with the Office of the



1 Inspector General, shall establish by administrative regulations promulgated in  
2 accordance with KRS Chapter 13A an informal dispute resolution process  
3 containing at least two (2) separate levels of review through which a child-care  
4 provider may dispute licensure deficiencies that have an adverse effect on the child-  
5 care provider's license.

6 (7) A child-care center shall have the right to appeal to the Cabinet for Health and  
7 Family Services under KRS Chapter 13B any action adverse to its license or the  
8 assessment of a civil penalty issued by the inspector general as the result of a  
9 violation contained in a statement of deficiency within twenty (20) days of the  
10 issuance of the action or assessment of the civil penalty. An appeal shall not act to  
11 stay the correction of a violation.

12 (8) In assessing the civil penalty to be levied against a child-care center for a violation  
13 contained in a statement of deficiency issued under this section, the inspector  
14 general or the inspector general's designee shall take into consideration the  
15 following factors:

- 16 (a) The gravity of the threat to the health, safety, or welfare of children posed by  
17 the violation;
- 18 (b) The number and type of previous violations of the child-care center;
- 19 (c) The reasonable diligence exercised by the child-care center and efforts to  
20 correct the violation; and
- 21 (d) The amount of assessment necessary to assure immediate and continued  
22 compliance.

23 (9) Upon a child-care center's failure to take action to correct a violation of the  
24 administrative regulations, standards, or requirements of the cabinet contained in a  
25 statement of deficiency, or at any time when the operation of a child-care center  
26 poses an immediate threat to the health, safety, or welfare of children in the center,  
27 and the child-care center continues to operate after the cabinet has taken emergency

- 1 action to deny, suspend, or revoke its license, the cabinet or the cabinet's designee  
2 shall take at least one (1) of the following actions against the center:
- 3 (a) Institute proceedings to obtain an order compelling compliance with the  
4 administrative regulations, standards, and requirements of the cabinet;
- 5 (b) Institute injunctive proceedings in Circuit Court to terminate the operation of  
6 the center;
- 7 (c) Institute action to discontinue payment of child-care subsidies; or
- 8 (d) Suspend or revoke the license or impose other penalties provided by law.
- 9 (10) Upon request of any person, the cabinet shall provide information regarding the  
10 denial, revocation, suspension, or violation of any type of child-care center license  
11 of the operator. Identifying information regarding children and their families shall  
12 remain confidential.
- 13 (11) The cabinet shall provide, upon request, public information regarding the  
14 inspections of and the plans of correction for the child-care center within the past  
15 year. All information distributed by the cabinet under this subsection shall include a  
16 statement indicating that the reports as provided under this subsection from the past  
17 five (5) years are available from the child-care center upon the parent's, custodian's,  
18 guardian's, or other interested person's request.
- 19 (12) All fees collected under the provisions of KRS 199.892 to 199.896 for license and  
20 certification applications shall be paid into the State Treasury and credited to a  
21 special fund for the purpose of administering KRS 199.892 to 199.896 including the  
22 payment of expenses of and to the participants in child-care workshops. The funds  
23 collected are hereby appropriated for the use of the cabinet. The balance of the  
24 special fund shall lapse to the general fund at the end of each biennium.
- 25 (13) Any advertisement for child-care services shall include the address of where the  
26 service is being provided.
- 27 (14) All inspections of licensed and unlicensed child-care centers by the Cabinet for

1 Health and Family Services shall be unannounced.

2 (15) All employees and owners of a child-care center who provide care to children shall  
3 demonstrate within the first three (3) months of employment completion of at least  
4 a total of six (6) hours of orientation in the following areas:

5 (a) Basic health, safety, and sanitation;

6 (b) Recognizing and reporting child abuse; and

7 (c) Developmentally appropriate child-care practice.

8 (16) All employees and owners of a child-care center who provide care to children shall  
9 annually demonstrate to the department completion of at least six (6) hours of  
10 training in child development. These hours shall include but are not limited to one  
11 and one-half (1.5) hours one (1) time every five (5) years of continuing education in  
12 the recognition and prevention of pediatric abusive head trauma, as defined in KRS  
13 620.020. Training in recognizing pediatric abusive head trauma may be designed in  
14 collaboration with organizations and agencies that specialize in the prevention and  
15 recognition of pediatric head trauma approved by the secretary of the Cabinet for  
16 Health and Family Services. The one and one-half (1.5) hours required under this  
17 section shall be included in the current number of required continuing education  
18 hours.

19 (17) The Cabinet for Health and Family Services shall make available either through the  
20 development or approval of a model training curriculum and training materials,  
21 including video instructional materials, to cover the areas specified in subsection  
22 (15) of this section. The cabinet shall develop or approve the model training  
23 curriculum and training materials to cover the areas specified in subsection (15) of  
24 this section.

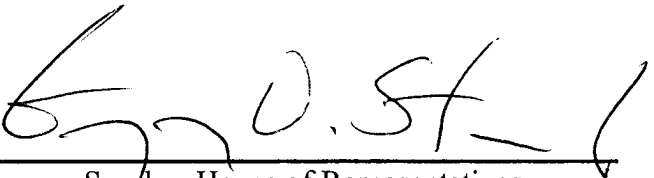
25 (18) Child-care centers licensed pursuant to this section and family child-care homes  
26 certified pursuant to KRS 199.8982 shall not use corporal physical discipline,  
27 including the use of spanking, shaking, or paddling, as a means of punishment,

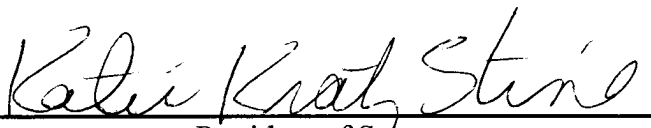
1 discipline, behavior modification, or for any other reason. For the purposes of this  
2 section, "corporal physical discipline" means the deliberate infliction of physical  
3 pain and does not include spontaneous physical contact which is intended to protect  
4 a child from immediate danger.

5 (19) Child-care centers licensed pursuant to this section that provide instructional and  
6 educational programs for pre-school aged children that operate for a maximum  
7 of twenty (20) hours per week and which a child attends for no more than sixteen  
8 (16) hours per week shall be exempt from licensure requirements of 922 KAR  
9 2:090, 922 KAR 2:110, and 922 KAR 2:120.

10 (20) Directors and employees of child-care centers in a position that involves  
11 supervisory or disciplinary power over a minor, or direct contact with a minor, shall  
12 submit to a criminal record check in accordance with KRS 17.165. The application  
13 shall be denied if the applicant has been found by the Cabinet for Health and Family  
14 Services or a court to have abused or neglected a child or has been convicted of a  
15 violent crime or sex crime as defined in KRS 17.165.

16 (21) A director or employee of a child-care center may be employed on a  
17 probationary status pending receipt of the criminal background check. Application  
18 for the criminal record of a probationary employee shall be made no later than the  
19 date probationary employment begins.

  
\_\_\_\_\_  
Speaker-House of Representatives

  
\_\_\_\_\_  
President of Senate

Attest:   
\_\_\_\_\_  
Chief Clerk of House of Representatives

Approved   
\_\_\_\_\_  
Governor

Date 4/25/14

# KENTUCKY GENERAL ASSEMBLY

## 2014 Regular Session

### Technical Correction by the Reviser of Statutes

The following technical correction shall be made in the printed copy of:

HB 154/EN

(14 RS BR 371)

On page 6, line 12, after "person" insert "seeking initial employment as a school finance officer on or after July 1, 2015,"; and

On page 6, line 14, delete "Board" and insert "Department" in lieu thereof; and

Beginning on page 6, line 20, and continuing through page 11, line 19, delete Section 5 in its entirety.

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Through an inadvertent clerical error, the bill as enrolled on April 15, 2014, erroneously contains Senate Floor Amendment 3, which was not passed by the General Assembly, and fails to contain Senate Floor Amendment 1, which was passed by the General Assembly. The official actions of the General Assembly are correctly reflected in the *Legislative Record* of final legislative action. Under the authority of KRS 7.136, 446.017, and 446.310, this inadvertent clerical error should be corrected in the bill presented to the Governor and the Reviser of Statutes shall codify this text as corrected.



Reviser of Statutes

Date: April 25, 2014

House Clerk: 